

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

KORNREICH, et al.,

Plaintiffs,

-against-

BEDFORD CENTRAL SCHOOL DISTRICT,
et al.,

Defendants.

ORDER

18-CV-11797 (PMH)

PHILIP M. HALPERN, United States District Judge:

On October 3 and 4, 2023, the Court received the parties' revised pretrial materials (Docs. 164-166, 169, 171-1, 171-2), a joint letter regarding outstanding pretrial issues (Doc. 171), and additional documentation concerning the availability of Defendant Christopher Manno and defense witness Dr. Charles Catanese.

As stated in the Court's September 29, 2023 Order (Doc. 162), Defendant Manno is unavailable for trial pursuant to Federal Rule of Civil Procedure 32(a)(4) and the Court will permit Defendant Manno's designated deposition testimony to be read at trial. The parties are directed to integrate their designations and cross designations of Defendant Manno's deposition testimony, as they indicated they would at the September 28, 2023 pretrial conference. Further, the Court will address the issues regarding Dr. Catanese's testimony on the morning of trial, October 10, 2023.

With respect to Plaintiffs' request to strike Defense Exhibit MMMM, that application is denied. Defense Exhibit MMMM was not admitted into evidence predicated on the testimony of a witness. Accordingly, Defense Exhibit MMMM remains an exhibit in evidence.

Regarding the parties' dispute over the identification of the minor child M.S., the Court will not disclose the full name of the minor child M.S. in accordance with the Family Educational Rights and Privacy Act. All counsel and parties shall refer to the minor child as "M.S." or "Jacob's girlfriend".

Regarding the revised proposed verdict form (Doc. 171-1), Defendants' application is denied with respect to the new proposed Question 10, as this question was previously consented to by all parties and will not be re-visited. The Court accepts the parties' revisions to Question 8 in the proposed verdict form.

SO ORDERED:

Dated: White Plains, New York
October 5, 2023



PHILIP M. HALPERN
United States District Judge